

REMARKS

This amendment is submitted in response to an Office Action mailed September 23, 2005. Claims 1-46 are pending in the present application for the Examiner's review and consideration. Applicants appreciate the Examiner's indication that claims 1-18 are allowable over the prior art. Claims 19, 26, 28, 32, and 38 are amended to more particularly point out and distinctly claim the invention by further defining the fatty acid glyceride feedstock. In view of the claim amendments and the following remarks, reconsideration by the Examiner and allowance of the application are respectfully requested.

OBVIOUSNESS-TYPE DOUBLE PATENTING

Claims 19-21, 24, 26-28, 31-35, 37-41, and 43-46 are provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of copending U.S. Application Serial No. 10/431,318 (now U.S. Patent No. 6,924,382) (the '382 patent). Claims 29-35, 37-41, and 43-46 are also rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 12-13 of U.S. Patent No. 6,559,324 (the '324 patent). Claims 19-46 are provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Application Serial No. 10/840,494 (the '494 application).

Claims 19-25 of the present application are directed to a fatty acid calcium salt prepared by the method of claim 1, wherein the unsaturated fatty acid glyceride feedstock comprises from about 40 to about 95 % by weight of unsaturated fatty acids, with greater than 45 % by weight being in the form of fatty acid glycerides; and the calcium salt comprises one or more beneficial unsaturated fatty acids. The claims referred to by the Examiner in the cited application and patent neither disclose nor suggest a calcium salt saponification product wherein the fatty acid glyceride feedstock comprises from about 40 to about 95 % by weight of unsaturated fatty acids, with greater than 45 % by weight being in the form of fatty acid glycerides. Both the '382 patent and the '494 application claim a low fatty acid glyceride content of no more than about 20 % by weight. (See Claim 1, '382 patent and '494 application).

Claims 26-30 of the present application are limited to a fatty acid calcium salt prepared by the method of claim 11, wherein the fatty acid glyceride feedstock comprises from about 40 to about 95 % by weight of unsaturated fatty acids, with about 85 and about 100 % by weight of the fatty acid mixture in the form of fatty acid glycerides. The claims referred to by the Examiner in the cited application and patents neither disclose nor suggest a calcium salt saponification product wherein the fatty acid glyceride feedstock comprises from about 40 to about 95 % by weight of unsaturated fatty acids, with greater than 45 % by weight being in the form of fatty acid glycerides. The '382 patent, the '324 patent, and the '494 application claim a low fatty acid glyceride content of no more than about 20 % by weight. (See Claim 1, '382 patent and '494 application; and Claim 12, '324 patent).

Claim 31 of the present application is limited to a rumen bypass feed supplement comprising the fatty acid calcium salt prepared according to a method wherein the unsaturated fatty acid glyceride feedstock comprises from about 40 to about 95 % by weight of unsaturated fatty acids, with greater than 45 % by weight being in the form of fatty acid glycerides. The claims referred to by the Examiner in the cited application and patent neither disclose nor suggest a calcium salt saponification product wherein the fatty acid glyceride feedstock comprises from about 40 to about 95 % by weight of unsaturated fatty acids, with greater than 45 % by weight being in the form of fatty acid glycerides. Both the '382 patent and the '494 application claim a low fatty acid glyceride content of no more than about 20 % by weight. (See Claim 1, '382 patent and '494 application).

Claims 32-37 of the present application are limited to a storage-stable calcium salt saponification product of an unsaturated oil consisting essentially of one or more fish oils, wherein said one or more fish oils comprise from about 40 to about 95 % by weight of unsaturated fatty acids, with greater than 45 % by weight being in the form of fatty acid glycerides. The claims referred to by the Examiner in the cited application and patents neither disclose nor suggest a calcium salt saponification product wherein the fatty acid glyceride feedstock comprises from about 40 to about 95 % by weight of unsaturated fatty acids, with greater than 45 % by weight being in the form of fatty acid glycerides. The '382 patent, the '324

patent, and the '494 application claim a low fatty acid glyceride content of no more than about 20 % by weight. (See Claim 1, '382 patent and '494 application; and Claim 12, '324 patent).

Claims 38-46 of the present application are limited to a storage-stable fatty acid calcium salt saponification product of a fatty acid glyceride feedstock having an unsaturated fatty acid concentration sufficient to form unstable calcium salt products when saponified in an ambient atmosphere, wherein said fatty acid glyceride feedstock comprises from about 40 to about 95 % by weight of unsaturated fatty acids, with greater than 45 % by weight being in the form of fatty acid glycerides. The claims referred to by the Examiner in the cited application and patents neither disclose nor suggest a calcium salt saponification product wherein the fatty acid glyceride feedstock comprises from about 40 to about 95 % by weight of unsaturated fatty acids, with greater than 45 % by weight being in the form of fatty acid glycerides. The '382 patent, the '324 patent, and the '494 application claim a low fatty acid glyceride content of no more than about 20 % by weight. (See Claim 1, '382 patent and '494 application; and Claim 12, '324 patent). The double patenting rejections are therefore respectfully traversed in view of the above remarks.

CONCLUSION

Accordingly, in view of the foregoing remarks, this application is now believed to be in condition for allowance. Reconsideration is respectfully requested. However, the Examiner is requested to telephone the undersigned if there are any remaining issues in this application to be resolved.

A Credit Card Authorization for the one-month Petition for Extension of Time fee of \$120 is enclosed. The Examiner is authorized to charge any additional fees to Applicants' Deposit Account No. 19-5425 therefor.

Respectfully submitted,

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